



Court File No. CV-25-00741044-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

THE HONOURABLE) TUESDAY, THE 28th
)
)
)
JUSTICE JANE DIETRICH) DAY OF OCTOBER, 2025

BETWEEN:

CHIEF EXECUTIVE OFFICER OF THE FINANCIAL SERVICES REGULATORY AUTHORITY OF ONTARIO

Applicant

- and -

**SUSSMAN MORTGAGE FUNDING INC., 2486976 ONTARIO INC.
AND 1981361 ONTARIO INC.**

Respondents

APPLICATION UNDER SUBSECTION 37 OF THE *MORTGAGE BROKERAGES, LENDERS AND ADMINISTRATORS ACT*, 2006, S.O. 2006, c. 29, AS AMENDED, AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c.C.43, AS AMENDED

AMENDMENT TO REPRESENTATIVE COUNSEL ORDER

THIS MOTION made by Representative Counsel for an Order, among other things, increasing the Representative Counsel's Charge was heard this day by judicial videoconference via Zoom.

ON READING the Motion Record of the Representative Counsel dated October 21, 2025 and on hearing the submissions of Representative Counsel and such other parties as were present, no one else appearing though although duly served as appears from the Affidavit of Service of Adrienne Ho sworn October 21, 2025 and filed,

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Motion Record is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

AMENDMENT TO THE REPRESENTATIVE COUNSEL ORDER

2. **THIS COURT ORDERS** that paragraph 11 of the Representative Counsel Order dated May 20, 2025 be amended as follows:

11. **THIS COURT ORDERS** that Representative Counsel shall be entitled to the benefit of a charge attaching to the assets of the Respondents as security for its professional fees at its standard rates and charges, up to an aggregate maximum amount of \$150,000 \$350,000, exclusive of HST and disbursements (the “**Representative Counsel Charge**”). For greater certainty, and notwithstanding anything else contained herein: (i) the Representative Counsel Charge shall only secure the assets of the Respondents in relation to the interest of the Investors (and not the Opt-Out Investors), and (ii) payment of amounts to Representative Counsel from the assets of the Respondents or proceeds thereof shall only be made from the pro rata portion of the Respondents’ assets or proceeds to which the Investors (and not the Opt-Out Investors) have an interest. The pro rata interests of the Investors as described in this paragraph shall be defined as the “**Investors’ Interest**”

APPROVAL OF FEE AND ACTIVITIES

3. **THIS COURT ORDERS** that the actions, activities and conduct of the Representative Counsel as described in the Affidavit of Steven Graff sworn October 20, 2025 (the “**Fee Affidavit**”) therein be and are hereby approved; provided, however, that only the Representative

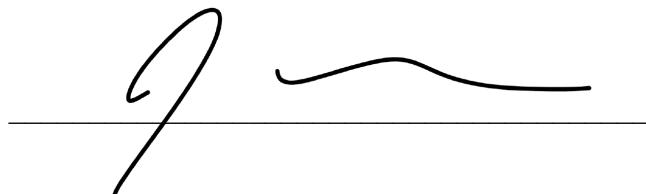
Counsel, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize such approval in any way.

4. **THIS COURT ORDERS** that the fees and disbursements of the Representative Counsel, as set out in the Fee Affidavit be and are hereby approved.

5. **THIS COURT ORDERS** that any interested party may apply to this Court to vary or amend this Order on not less than seven (7) days' notice to the Receiver and to any other party likely to be affected by the order sought or upon such other notice, if any, as this Court may order.

6. **THIS COURT ORDERS** that the Representative Counsel be at liberty and is hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order.

7. **THIS COURT ORDERS** that this Order is effective as of 12:01 a.m. from today's date and is enforceable without the need for entry and filing.

A handwritten signature in black ink, appearing to read "J. [Signature]", is placed over a horizontal line.

**CHIEF EXECUTIVE OFFICER OF THE FINANCIAL
SERVICES REGULATORY AUTHORITY OF
ONTARIO**

Applicant

- and -

SUSSMAN MORTGAGE FUNDING INC. et al.

Respondents

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SUPERIOR COURT OF JUSTICE
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Proceedings commenced at Toronto

**AMENDMENT TO REPRESENTATIVE COUNSEL
ORDER**

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